

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (RCC) ECF Case
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This document relates to:

Thomas E. Burnett, et al. v. Al Baraka Inv. &
Dev. Corp., et al. (03 CV 9849) (RCC)

Federal Ins. Co., et al. v. Al Qaida, et al.
(03 CV 6978) (RCC)

**MOTION TO WITHDRAW THE MOTIONS TO DISMISS THE BURNETT
AND FEDERAL INSURANCE COMPLAINTS BY DEFENDANT
DMI ADMINISTRATIVE SERVICES S.A.**

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In light of the filing of a More Definite Statement in Burnett, et al. v. Al Baraka Inv. & Dev. Corp., et al. (1:03-cv-9849) (the “Burnett Action”) and the filing of a similar Amended RICO Statement in Federal Ins. Co., et al. v. Al Qaida, et al. (1:03-cv-6978) (the “Federal Insurance Action”), Defendant DMI Administrative Services S.A. (“DMI S.A.”) hereby moves the Court to withdraw its Motions to Dismiss the Complaints in the above-referenced actions, Docket No. 94 (Burnett) and No. 499 (Federal Insurance). Counsel for plaintiffs in each of the Burnett and Federal Insurance actions consent to the withdrawal of the two Motions listed above.

The pertinent procedural history in the Burnett Action is as follows:

1. On April 9, 2004, defendant DMI S.A. filed its Motion to Dismiss the Burnett Action. (MDL Docket No. 94).
2. On June 4, 2004, the Burnett plaintiffs filed their Opposition to DMI S.A.’s Motion to Dismiss. (MDL Docket No. 218).
3. On June 18, 2004, defendant DMI S.A. filed its Reply brief. (MDL Docket No. 254).
4. On May 10, 2005, the Burnett plaintiffs filed a More Definite Statement. (MDL Docket No. 896).

The pertinent procedural history in the Federal Insurance Action is as follows:

1. On September 17, 2004, the Federal Insurance plaintiffs filed their RICO Statement as to DMI S.A. (MDL Docket No. 446).
2. On October 15, 2004, defendant DMI S.A. filed its Motion to Dismiss. (MDL Docket No. 499; Federal Insurance Docket No. 230).

3. On December 14, 2004, the Federal Insurance plaintiffs filed an Opposition to DMI S.A.'s Motion to Dismiss. (MDL Docket No. 574; Federal Insurance Docket No. 254)

4. On January 4, 2005, defendant DMI S.A. filed its Reply brief. (MDL Docket No. 617; Federal Insurance Docket No. 265).

5. On May 26, 2005, the Federal Insurance plaintiffs filed an Amended RICO Statement as to DMI S.A., which repeats the allegations contained in the Burnett Plaintiffs' More Definite Statement referenced above. (MDL Docket No. 949).

Accordingly, defendant DMI S.A. hereby moves the Court to withdraw its pending Motions to Dismiss the Complaints in both the Burnett Action and the Federal Insurance Action. Defendant DMI S.A.'s withdrawal is without prejudice to its filing of subsequent Motions to Dismiss the Complaints in the above-referenced actions in accordance with the Stipulation and Order dated July 27, 2005 (MDL Docket No. 1068).

<p>Dated: New York, New York August 25, 2005</p>	<p>Respectfully submitted, SHEPPARD MULLIN RICHTER & HAMPTON LLP</p> <p>By: _____/s/_____ James J. McGuire (JM 5390) Timothy J. McCarthy (TM 2118)</p> <p>30 Rockefeller Plaza, 24th Floor New York, New York 10112 (212) 332-3800</p> <p><i>Attorneys for Defendant DMI Administrative Services S.A.</i></p>
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